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DEPARTMENT OF PERMITTING SERVICES
MONTGOMERY COUNTY

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IGCC PUBLIC WORK SESSION :
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A meeting in the above-entitled matter was held on
Wednesday, June 25, 2014, commencing at 2:08 p.m., in the
County Office Building, 100 Maryland Avenue, 1st Floor
Auditorium, Rockville, Maryland 20850, before:

MARK NAUMAN

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P R O C E E D I N G S

1
2 MR. NAUMAN: Hi everybody. This is a smaller
3 group than normal. I think everybody here knows me by now.
4 If not, my name is Mark Nauman. I'm with the Department of
5 Permitting Services. I will have some business cards up
6 here for anybody that does not know me, and would like to
7 get to know me. This is number four of our work sessions.
8 We have two more work sessions scheduled after this. These
9 are just our initial work sessions. We will have more to
10 follow. The purpose of this is to garner as much input as
11 we can to be able to help us in our adoption process in how
12 we make amendments to the code.

13 Each of these sessions are being transcribed. Mr.
14 Jeter has been very good about getting the transcriptions up
15 on our website, along with the comments that have been made
16 so far. We have posted all of the comments that have been
17 provided to us over the last year on this code from various
18 agencies and outside stakeholders. What I would like to do
19 today, there are a very few initially proposed amendments as
20 we move forward from here. This was supposed to be just for
21 Chapter 7 today, but I went ahead and had the remainder of
22 our proposed amendments posted on the website, and, if it,
23 if we only have enough time to go through Chapter 7, so be
24 it. We can continue as was originally scheduled. We would
25 continue with Chapters 8, 9, and 10, 11 and Appendix A, as

1 we move forward.

2 But, what I anticipate is we should be able to get
3 through this fairly quickly today, and then over the next
4 two sessions, what I would like to do is to take your
5 comments on the comments that have already been posted.
6 There is a lot of information on our website. There are a
7 couple hundred pages easy of comments that have been
8 proposed, not only for the IGCC, but also for ASHRAE 189.
9 So, I would ask that you please go through all of those,
10 develop your input and comments, and we will try to split
11 that up over the next two worksessions.

12 MR. BENNETT: Mark?

13 MR. NAUMAN: Hi Ralph. I'm sorry. Anybody that
14 wishes to speak, can they please come up front. We're
15 having a hard time getting your voice on recording.

16 MR. BENNETT: I don't need to be on the record.
17 This is a procedural question about what you're publishing
18 and so on. It's not observations on Chapter 7.

19 MR. NAUMAN: Oh, okay. Well just make sure you
20 speak up a little bit, so we can hear you.

21 MR. BENNETT: There's a document which is
22 distributed outside, and which I gather is the current DPS
23 proposed amendments. And is five sides ending in Section
24 31, which is Chapter 10. Does this document then constitute
25 all the recommendations you're making about the code?

1 MR. NAUMAN: Our draft, initial draft that
2 constitutes all of it, yes.

3 MR. BENNETT: Okay. The reason --

4 MR. NAUMAN: But that does not include any of the
5 comments that have been proposed by your group, DGS, WSSC,
6 Public Schools -- those are all posted online as well. But
7 as, and just for clarification, as we move through this
8 process, we are compiling all of this information, and we
9 are using this information to help us further define what
10 our proposed amendments will be. And, they will be also
11 made available in various formats for public comment and
12 discourse as we move through the summer.

13 MR. BENNETT: Okay. Well, I was confused because
14 there is a long document by Mr. McNamara, a DGS document,
15 which appears to be -- well, first of all, essentially
16 reprints Chapter 7 word-for-word, and then occasionally
17 there are comments about adopting. In other words, since
18 this particular code, a lot of it is going to be not
19 recommended for adoption. There are pages and pages of
20 stuff about which there is no recommendation or a
21 recommendation to delete. But that document is comments,
22 and it was filed as comments before today.

23 MR. NAUMAN: Correct.

24 MR. BENNETT: Before the hearing was held. So I
25 was confused about what the standing of that document was.

1 And now you're telling me I should assume that it's comment
2 that is post-hearing.

3 MR. NAUMAN: Well, those are comments as input
4 from the stakeholders. And, the only validity that you can
5 place upon those is what is actually written. It still
6 needs to, you know, be up for further discussion internally,
7 and then refined and put into our own amendments, or what we
8 would propose as amendments, and then in two further public
9 hearings.

10 MR. BENNETT: All right.

11 MR. KELLY: That's not a hearing.

12 MR. NAUMAN: No, I understand that. Oh, did you
13 use the word hearing? This is not a hearing.

14 MR. BENNETT: Well, that's a term that I thought
15 had been applied to these.

16 MR. NAUMAN: No, public worksession. This is not
17 a hearing, not yet.

18 MR. BENNETT: I thought I heard it was not a
19 worksession. Okay, fine. Whatever it is.

20 MR. NAUMAN: Sorry. Thanks, Bob. That's good
21 clarification.

22 MR. BENNETT: I would like to submit the AIA's
23 recommendations for Chapters 4 through 7, since there are
24 recommendations for Chapter 7 today were submitted before --

25 MR. NAUMAN: They are online. They are now

1 online. You can go onto our website. Maybe I can just
2 summarize. Mr. Bennett is asking to submit the AIA PV
3 documents that they have already submitted, and you want to
4 make sure that they are posted on our website as comments.
5 Is that correct?

6 MR. BENNETT: Exactly.

7 MR. NAUMAN: Okay. They are now posted on our
8 website. So everything that was given to us for both 189
9 and IGCC has been preserved and it is on our website.

10 MR. BENNETT: It's not under comments, and it's
11 not under proposed recommendations.

12 MR. NAUMAN: I looked at it right before I left
13 the office. It's in there. If you go to our website under
14 proposed comments, it's at the very bottom. We have it
15 broken down for our various worksessions, and then at the
16 bottom we have broken that out into comments from you folks,
17 from DGS, from the schools. But it is in there.

18 MR. BENNETT: Okay.

19 MR. JETER: Reggie Jeter. Yeah. There is a
20 separate link for AIA comments. There's a separate link for
21 Department --

22 MR. BENNETT: I have never ran across that. But
23 that's good to know, and I will continue searching.

24 MR. JETER: So, if we got bulk comments for an
25 organization, we listed that instead of burying them into

1 each chapter.

2 MR. BENNETT: Okay.

3 MR. NAUMAN: Eileen, come on up, please. You can
4 stand over here. Thank you. Good afternoon

5 MS. EMMIT: Afternoon. I just wanted to follow-up
6 on the website. It did seem to me that it was hard to find
7 the documents. That there is a -- on your homepage there's
8 a place to the right that says current events, and you have
9 to scroll down from that to find each individual item. And,
10 I don't know if you have the capacity to do this but, this
11 code is going to have a very large impact and because I work
12 for M-NCPPC, what they do, like with the zoning rewrite, is
13 they have a direct web link straight to the homepage for
14 that topic. I'm just asking if there's any way that
15 Permitting Services could have a web page where you have a
16 direct link to this IGC adoption process, and then it would
17 be much easier to find things rather than to search for
18 individual items.

19 MR. NAUMAN: Eileen, could you identify yourself,
20 please.

21 MS. EMMIT: I'm Eileen Emmitt. I'm here today
22 representing Montgomery County Department of Parks.

23 MR. NAUMAN: Thanks.

24 MR. JETER: Reggie Jeter, again. So, the way we
25 organized it, there's a tab on the left hand side of the web

1 page, it's called codes and standards. And, when you click
2 on that tab, the first thing you'll see are the comments for
3 IGCC. And the current news and events is where you would
4 actually go and register for one of these hearings. Sign up
5 for one of these hearings, or read the DPS proposed
6 amendments. So we have it separated in two places. One,
7 because the current news and events is going to change on a
8 regular basis. Every time we have a hearing we'll change
9 that. But, the web page where it says codes, when you click
10 on that, I mean, it is a web page. I'm not clear.

11 MS. EMMIT: I guess my comment is that I think it
12 should be much more prominent on your web page.

13 MR. JETER: So you mean like have a tab --

14 MS. EMMIT: That says --

15 MR. JETER: IGCC?

16 MS. EMMIT: Right. I think it would be more clear
17 to the public and that's one thing. The second thing is our
18 agency is wondering if we can compile comments for all
19 chapters and submit them all at once, because --

20 MR. NAUMAN: Yes, you may.

21 MS. EMMIT: -- different things influence
22 different chapters, and we were wondering if there's an
23 absolute end date. Is it the last public worksession date
24 of June 16th, or will there be a date past that.

25 MR. NAUMAN: No. We'll be able to go past that.

1 This is Mark Nauman with Permitting Services. We'll be
2 going past that. But, we ask that they be submitted as soon
3 as is possible because we are looking to make this publicly
4 available for October 1st. So we have a lot of work to do
5 between now and then.

6 MS. EMMIT: Okay. Thank you.

7 MR. NAUMAN: Thank you, Eileen. Okay. We only
8 have two folks scheduled to speak today. One was Ralph
9 Bennett, and I don't know if you still want to speak.

10 MR. BENNETT: I do.

11 MR. NAUMAN: You do. Okay. Well, you were second
12 on the list, so I'll take it in order. Jim Fary. We do
13 have a Jim Fary? No. Okay. Ralph Bennett.

14 MR. BENNETT: Thank you.

15 MR. NAUMAN: Thank you.

16 MR. BENNETT: Hi. For the record, I'm Ralph
17 Bennett. I'm an architect with Bennett Frank McCarthy
18 Architects in Silver Spring, and I'm here also representing
19 the Potomac Valley Chapter of the American Institute of
20 Architects, who submitted to you last July 30th, a summary
21 of observations about this code. The comments on Chapter 7
22 are essentially as follows. The great bulk of this chapter
23 is duplicative of the WSSC plumbing requirements, and is
24 therefore appropriate to not adopt most of this chapter.
25 However, there are two areas that I'd like to address. The

1 first is, the fixture standards which DPS is proposing be
2 adopted as not be adopted as written in the IGCC. Our point
3 there is that, the standards from WSSC are considerably less
4 demanding than the standards in the IGCC or in LEED or in
5 ASHRAE 189.1. So if the county wishes to express an
6 interest in water conservation, the best thing would be to
7 adopt the standards in the IGCC. So we recommend adoption
8 of that standard. We understand that WSSC is in the
9 business of selling water, and therefore restricting fixture
10 standards may not be at the top of their list. But at the
11 same moment, if we're serious about conserving water, we
12 think it ought to be.

13 Secondly, we support, now I took this as a
14 recommendation from the DGS report, but there also is a
15 suggestion to move metering to Appendix A. In other words,
16 to make separate metering for different kinds of water use
17 in buildings an option. I haven't had a chance to read this
18 document, which I stupidly thought was just the Chapters 1
19 through 3. I don't know what you're recommending here for
20 metering, but I don't see it addressed specifically under
21 Section 27. As such, our recommendation is that there be
22 either thresholds in building or project size before
23 metering is required, or as DGS recommends, that it simply
24 be made optional and put in Appendix A period.

25 The issue here, no one argues that we ought to be

1 able to understand the different uses we're putting water
2 to, but having small projects be subject to a requirement
3 for separate metering for water is an economic onus, both
4 for plumbing, and of course for the cost of meters
5 themselves. So, those are our two comments on Chapter 7.
6 Thank you.

7 MR. NAUMAN: Ralph, thank you. Okay. This is
8 free time. Anybody that has any comments on the IGCC, at
9 this point it can be any section, any chapter. It looks
10 like Tom would like to say something. Tom, if you could
11 identify yourself, please.

12 MR. BUCKLEY: Good afternoon. Tom Buckley,
13 Washington Suburban Sanitary Commission. I guess a few
14 general comments to begin. We have been talking with DPS
15 and DGS, working with HHS and others, on several of the
16 issues related to the International Green Construction Code.
17 Water reuse, probably high on that list. And we will
18 continue to work with these agencies as we feel that it's
19 important for us to develop the code in unison so we can
20 move forward together. Not paint anybody in a corner, not
21 leave anybody out.

22 So, we haven't been coming to the microphone on a
23 per meeting basis to say what we've been commenting on, but
24 we have provided comments each and every meeting, and I'm
25 sure they're there on the website somewhere. They've been

1 fairly basic. I think that a lot of the things that we
2 would do would be more, very much more specific as we move
3 forward in the cohesive development of what we need to do.
4 So, relating to, you know, where we are on the fixtures in
5 Section 702, so appreciate the comments relating to the
6 perception that WSSC might be opposed to those because we're
7 in the business to sell water. Actually, technically, we're
8 in the business to provide water service and sewer service
9 to the residents in Montgomery and Prince George's County.
10 Being revenue neutral, unlike the gas company and the power
11 company, we don't care if we sell five million gallons of
12 water or five gallons of water, relatively speaking.

13 So, what we do want to do is develop a code that
14 makes good sense for all users and doesn't paint anybody
15 into a box. So, where we are on fixture loading
16 requirements or fixture consumption requirements is, we
17 believe that those items belong in the plumbing code.
18 That's where they are right now, and for users to have to go
19 to two codes to try to determine what the loading or the
20 consumption factors are for fixtures is cumbersome. So, we
21 are in a code development cycle. Actually, we are always in
22 code development cycles, much like the way the county is.
23 And we will be beginning, taking comments up until September
24 of this year. So we will be incorporating the aspects --
25 and that was our comment today that we provided regarding

1 Section 702. We will be looking at each and every component
2 of Section 702 and moving it forward before our Plumbing
3 Board, and before our commissioners for consideration as we
4 go forward in our next development cycle. The conclusion of
5 which should come out with the new code in May or June of
6 next year.

7 So, we're certainly not closed on the subject of
8 plumbing fixtures, and we look forward to everything that we
9 can do to develop further code sections on water reuse. All
10 the many, many types of water reuse that are outlaid in
11 Chapter 7. And quickly, we did provide a comment on
12 metering too, and I guess, just to be that out there for
13 discussion, since this is a worksession. Overall, the idea
14 of metering is a good idea, and there should be parameters,
15 because maybe it doesn't apply to the little folks as
16 testified.

17 But our observations a step back, if we require
18 metering of anybody, small, medium or large, who's going to
19 oversee that metering? Is there going to be a program or an
20 entity of any government agency that's actually going to
21 monitor the metering and decide whether or not somebody is
22 quantitatively using too much or too little water per their
23 use. If not, if there's not going to be such program, than
24 perhaps metering is just an expense that we're putting folks
25 through that doesn't really mean anything. So that would be

1 one thing I would like to see maybe further discussion on
2 whether or not there will be an oversight program or agency
3 that partakes in that.

4 We, obviously, do a lot of metering both from the
5 primary water meter as well as the second submeters, and
6 some of these things do have meters on them. Cooling
7 towers, for instance, how that information is relayed to
8 somebody that would say, you know, you're wasting too much
9 or you're not. You know, you're out of balance on whether
10 or not you need to figure out means to, you know, reduce
11 evaporation or waste during the replenishing cycle. So, all
12 of those things are worthy of discussion But, you know,
13 simply say put a meter here, put a meter there, doesn't
14 necessarily bring us anywhere, so.

15 I don't know if anybody has any questions. Are we
16 doing questions?

17 MR. NAUMAN: Well, I'd like to ask a question if
18 you don't mind. Mark Nauman.

19 MR. BUCKLEY: Okay, no problem.

20 MR. NAUMAN: Where do you stand on EPA Guidelines
21 for fixtures?

22 MR. NAUMAN: Well, where do we stand on EPA
23 guidelines. Obviously, there are, we have the International
24 Plumbing Code, which is our primary, and has been the
25 primary focus for our guidelines. Moving forward we have

1 all sorts of things to consider, the International Green
2 Council, International Code on Green Construction, EPA and
3 the like. I believe it's time, although we've obviously
4 been moving forward with water conservation through various
5 code cycles through the years, whether it was our in-house
6 WSSC code, or since 2007 we've been under the International
7 Plumbing Code. We have been moving forward. Maybe not at
8 the same pace as some of the other projections and/or
9 desires.

10 But, it's time to look at each and every component
11 of Section 702 with respect to water conservation, to make
12 sure that -- and my first take on this -- when you specified
13 that a certain fixture must use a maximum of a certain
14 gallon of water, is that product readily available in the
15 marketplace? Does every manufacturer make one of those or
16 is it a sole source type of thing? We wouldn't want to
17 obviously mandate something that only one or two
18 manufacturers make, and are compliant with that set
19 standard. So we do want to make sure that we vet each and
20 every one of these things out, and we want to do it with
21 open discussions with manufacturers, product providers, you
22 know, plumbing community, the development community, all the
23 way across the board. And that's why we feel it belongs in
24 the plumbing code because we go through this with the WSSC
25 Plumbing Board. That board is comprised of trade experts,

1 and engineers, and consumer representation, and we'll all
2 get a chance to completely vet that one out, like we do all
3 plumbing code changes.

4 MR. NAUMAN: Mind if I ask another question?

5 MR. BUCKLEY: No.

6 MR. NAUMAN: It might put you a little on the
7 spot.

8 MR. BUCKLEY: That's all right.

9 MR. NAUMAN: Addressing water conservation issues
10 both under the Energy Code and the potential for the IGCC.
11 This is Mark Nauman once again, sorry. Moving forward,
12 would you be giving consideration on a case-by-case basis?
13 You may not be able to develop a blanket code that you would
14 be able to implement, but would you be able to pursue a
15 case-by-case basis allowing certain elements of Chapter 7
16 under the IGCC to move forward?

17 MR. BUCKLEY: Chapter 7 in general?

18 MR. NAUMAN: Uh-huh.

19 MR. BUCKLEY: Well, I think --

20 MR. BUCKLEY: That fall under your regulatory
21 scope.

22 MR. BUCKLEY: Right. Well yeah, I think that
23 would be our desire would be to look at items on an
24 individual basis and move forward the ones that are ready,
25 and then hold back on the ones that may not be, that might

1 present a problem, you know, to the end consumer, or to the
2 development community.

3 MR. NAUMAN: Well, say a project came to you with
4 a proposal to utilize some of the more esoteric conservation
5 measures within the code. Would you consider those?

6 MR. BUCKLEY: You're going to have to define
7 esoteric for me.

8 MR. NAUMAN: Well, like brown water or gray water
9 reuse for lavatories, for slop sinks, for that kind of
10 thing.

11 MR. BUCKLEY: Water reuse is -- and I don't know
12 if you got a chance to see the comments, I did send them
13 late this morning -- water reuse is an area where there are
14 several agencies involved between WSSC and Montgomery County
15 that need to come to the table together to develop those
16 regulations. As it was alluded to earlier, WSSC does have
17 very comprehensive code language with respect to water
18 reuse, but is actually only part of the puzzle.

19 The biggest, I mean the missing piece of the
20 puzzle is the creation of water quality standards and/or the
21 enforcement agency that's going to oversee those safety
22 aspects of the program. So, while we had our chance during
23 our last code cycle with the advent of all of the water
24 reuse on the stage, we felt it was timely to develop the
25 plumbing code language that would allow such water reuse

1 systems commingle with the plumbing and the mechanical
2 systems in the building. Get the metering right, get the
3 backflow prevention right, get all the marketing and
4 labeling right. But when it comes down to whether or not a
5 water reuse system is safe and sanitary, and good for the
6 public, we feel that that wasn't a plumbing code issue.
7 That is a health related issue, and that's what we want to
8 bring other folks to the table and have that open discussion
9 about developing a water reuse regulation that can be used
10 in Montgomery County, likewise in Prince George's County,
11 where we also provide regulatory service.

12 So, that is our goal. Our goal is to create a,
13 again, a unified and collaborative water reuse program
14 moving forward. So, I can say that, we're certainly not,
15 while our comments look like we're prohibiting or would care
16 to prohibit all of such, that's actually not true. The
17 behind the scenes conversation is that we want to be
18 involved in the development of those standards.

19 MR. NAUMAN: One last question, if you don't mind.
20 What agencies are you engaging in this process?

21 MR. BUCKLEY: To this point, Department of
22 Permitting Services, Department of, if I've got the
23 department names right, Health and Human Services, HHS, and
24 DER, Department of Environmental Regulation.

25 MR. NAUMAN: And, at what levels? Local levels or

1 state levels?

2 MR. BUCKLEY: No, no, definitely local level. At
3 the County level and the intermediate management levels, and
4 trying to bring the folks to the table. You know, bring
5 these final pieces together so we can have water reuse
6 systems and they'll be safe.

7 MR. NAUMAN: So it's safe to way that WSSC is
8 fully supportive of moving forward with all of these
9 efforts?

10 MR. BUCKLEY: Absolutely. Absolutely.

11 MR. NAUMAN: Very good. Anybody else have any
12 questions?

13 MS. ROSENBLUM: Just for the record, Annett
14 Rosenblum.

15 MR. NAUMAN: There's a mic right here you could
16 try.

17 MS. ROSENBLUM: Annette Rosenblum with the
18 Maryland National Capital Building Industry Association. I
19 just had a question just to put it on the record that the
20 code cycle at WSSC, and is the ICC 215 plumbing code that
21 you're considering?

22 MR. NAUMAN: Yes. Along with any other needed
23 local amendments.

24 MS. ROSENBLUM: Thanks.

25 MR. NAUMAN: Anybody have any questions at all?

1 Tom, thank you very much. Okay, anyone else have any
2 questions, comments, statements? Okay. To reiterate what I
3 would like to see for the next two sessions is to please
4 peruse the comments that we have posted online. There is a
5 lot to go over so, you know, turn off the TV and do some
6 reading. And, I'd like to be able to get further comments
7 on this over the next couple of weeks. So again, I want to
8 thank everybody. I know that this is a chunk out of
9 everyone's busy days, but the importance of this cannot be
10 overstated. So thank you, and hopefully we'll see all of
11 you and many more next week.

12 (Whereupon, at 2:36 p.m., the meeting was
13 adjourned.)

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✓ Digitally signed by Keena Lukacinsky

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Montgomery County Department of Permitting Services, in the matter of:

IGCC PUBLIC WORK SESSION



Keena Lukacinsky

July 1, 2014